REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated March 18, 2003. Claims 1-5 and 8-26 are currently pending in the application.

In the Office Action, the Examiner has rejected Claims 1, 8-10, 12-13, 16, 19-20, and 23-26 under 35 U.S.C. § 102(e) as being anticipated by *Foladare et al.* (U.S. 5,805,991), Claims 15 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Foladare* in view of *Hillson et al.* (U.S. 6,094,644), Claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Foladare* in view of *Smith* (U.S. 5,742,667), Claims 4-5 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over *Foladare* in view of *Azuma et al.* (U.S. 5,898,763), and Claims 11, 14, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Foladare* in view of *Cauffman et al.* (U.S. 5,325,290).

As stated above, the Examiner has rejected independent Claims 1, 8, 16, 23, and 24 under 35 U.S.C. § 102(e) as being anticipated by *Foladare*. In rejecting Claims 1, 8, 16, 23 and 24, among other things, the Examiner alleges that *Foladare* teaches *setting a time when a service initiation request or a service resumption request is generated as a service start time and initiating a call* (col. 4, lines 59-60). However, this cited section of *Foladare* describes FIG. 2, which represents a billing record in *Foladare*, and only has a field for storing a start time for a telephone call. There is no disclosure in this section, nor any other section of *Foladare*, that teaches setting a time when a service resumption request is generated.

In addition, the Examiner asserts that *Foladare* discloses *setting a service suspension request time as a service end time upon generation of a service suspension request by the system during the service and suspending the service, wherein the service suspension periods are interruptions of service by the system* (col. 5, 20-35). It is respectfully submitted that the Examiner is incorrect in his application of *Foladare*.

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Foladare is directed to a method for assuring billing in a "type-ahead" paging system. In *Foladare*, a caller connects to a bridging and signaling unit, at which time a billing record is opened and a call start time is recorded. Next, an interruptible announcement (e.g., a recording prompting the user to enter a command by entering a numerical entry with the phone keypad) is played. If the caller enters a command and waits until a predetermined page hold time (i.e., the amount of time it takes for the interruptible announcement to play) has elapsed, then a page is sent to a paged party. At this time, the caller is placed on hold until the paged party connects with the caller or a return call timer has expired. After the caller's conversation with the paged party is terminated or the return call timer has expired, an end time of the caller's call is recorded and a bill is sent to billing unit. The billing unit then subtracts the predetermined page hold time less one second. If the caller's call was longer than the predetermined page hold time, a bill is produced. However, if the caller's call was no longer than the predetermined page hold time, the bill is discarded.

As stated above, the present application, specifically Claims 1, 8, 16, 23, and 24, disclose *setting a service suspension request time as a service end time upon generation of a service suspension request by the system during the service and suspending the service, wherein the service suspension periods are interruptions of service by the system.* As is described above, there are no service suspension periods, which are interruptions of service by the system, in *Foladare*. At no time in *Foladare* is the caller's service interrupted. During the page hold time, the caller is either listening to a pre-recorded instruction message or entering numeric commands. If there were a service interruption at this time, the caller would not be able to do either of these things. Therefore, in the rejections of Claims 1, 8, 16, 23, and 24, it is respectfully submitted that the Examiner is improperly equating a service interruption as recited in the claims of the present invention with a page hold time in *Foladare*, and it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1, 8, 16, 23 and 24 under 35 U.S.C. § 102(e) as being anticipated by *Foladare*.

Because the Examiner has also applied *Foladare* in the same manner in the rejections of independent Claims 11 and 21 as being unpatentable over *Foladare* in view of *Cauffman*, and

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Cauffman does not cure any of the deficiencies of the prior art, it is respectfully submitted that Claims 11 and 21 are also distinguishable from *Foladare* in view of *Cauffman*, for the reasons stated above.

Accordingly, it is respectfully submitted that independent Claims 1, 8, 11, 16, 21, 23, and 24 are in condition for allowance. Further, with independent Claims 1, 8, 11, 16, 21, 23, and 24 in condition for allowance, then at least because of their dependence upon these claims, respectively, it is respectfully submitted that dependent Claims 2-5, 9-10, 12-15, 17-20, 22, and 25-26 will also be in condition for allowance.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-5 and 8-26, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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